THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914 (II OF 1914).

G. N., R. D., No. 4388/24, dated 26th November 1925 (B. G., Pt. I, p. 3045).

S. 5 Fumigation of American Cotton Rules, 1925.

Amended by G. N., R. D., No. 4388/24, dated 25th May 1926.
Amended by G. N., R. D., No. 4388/24, dated 3rd September 1938.

In exercise of the powers conferred by section 5 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Government of Bombay (Transferred Departments) is pleased to make the following rules for the detention and disinfection of American cotton, the fumigation of which is required by the notification of the Government of India in the Department of Education, Health and Lands, No. 1493-Agri., dated the 14th November 1925, and of cotton which has been in contact or proximity thereto and for regulating the powers and duties of the fumigation authority, namely :—

(1) These rules may be called the Fumigation of American Cotton Rules, 1925. They will come into force from 1st December 1925.

(2) Except as provided in rule 5, no American cotton or any other cotton the fumigation of which is required by the notification of the Government of India in the Department of Education, Health and Lands, No. 1493-Agri.,* dated 14th November 1925, hereinafter called the said notification, or any other cotton which may have been in contact or proximity thereto shall be landed without fumigation, except at any special landing place provided by the Trustees of the Port of Bombay and approved by the fumigation authority for the reception of unfumigated American cotton. Such cotton shall, on arrival at Bombay, be fumigated with hydrocyanic acid gas. Fumigation shall be carried out by the Trustees of the Port of Bombay on behalf of State Government. Such cotton shall be taken overside from the vessel into barges provided by the fumigation authority and shall be conveyed to the fumigation wharf or bunder in such barges, delivery being given at the fumigation wharf or bunder only after fumigation. The rate of discharge of cotton from vessels shall be so regulated as not to exceed the capacity of the barges provided for the purpose.

(3) Cotton other than American cotton which is imported into India† in a vessel carrying American cotton and loaded in the same hatch as any bale or bales of American cotton shall be deemed to have been in contact or proximity thereto and shall be subject to the restrictions and conditions specified in the said notification.

(4) For the purposes of these rules the fumigation authority shall be the Collector of Customs, Bombay, or such officer as he may appoint.

(5) Samples of American cotton imported by parcel post, or as ships' parcels not exceeding 20 lbs. each in weight, shall be fumigated on arrival with hydrocyanic acid gas or such other fumigant as may be approved by the Central Government, at the Customs House.

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* Republished at page 3023 Part I of the *B. G. G.*, dated 26th November 1925.

† "India" means the territory of India excluding the State of Jammu and Kashmir (*Vide* s. 2(*d*) of Act II of 1914).

(6) All cotton the fumigation of which is required by the said notification or under these rules shall be at the sole risk of the importer during landing, transhipment and fumigation and no liability for loss or damage due to fumigation shall attach to State Government or its agents.

(7) Any breach of these rules shall be punishable with a fine which may extend to Rs. 1,000.

S. 5

G. N., R. D., No. 5651/28, dated 7th April 1931 (B. G., Pt. I, p. 852).

In exercise of the powers conferred by sub-section (*1*) of section 5 of the Destructive Insects and Pests Act, 1914 (II of 1914), as amended by Act XX of 1930, the Government of Bombay (Transferred Departments) are pleased to make the following rule for the destruction of seeds and plants in respect of which a notification has been issued under section 3 of the said Act, namely :—

Any seeds the import of which by air is prohibited by the Central Government by a notification under section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), and any plant not covered by a special certificate of the nature referred to in paragraph 2-A of the order published with the notification of the Government of India, Department of Education, Health and Lands, No. 1541-Agri., dated the 23rd July 1930, which is brought into India by air as part of the cargo or stores of any air craft or as any passenger's luggage or otherwise, shall be landed at such place as may be appointed in this behalf by the Collector of Customs, Bombay, and destroyed by fire with the least possible delay and in any case within twenty-four hours of landing.

Any breach of the rule shall be punishable with fine which may extend to one hundred rupees.

S. 5 (1)

G. N., R. D., No. 6334/24, dated 27th February 1935 (B. G., Pt. I, p. 32).

Amended by G. N., R. D., No. 6334/24, dated 6th November 1935.

In exercise of the powers conferred by sub-section (*1*) of section 5 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Government of Bombay is pleased to make the following rule, namely :—

"Coffee plants, coffee seeds or coffee beans imported into India in contravention of the notification,* No. 580/240, dated the 22nd June 1922, issued by the Governor General in Council under section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), shall be detained at such place as may be appointed in this behalf by the Trustees of the Port of Bombay under the Bombay Port Trust Act, 1879 (Bom. VI of 1879), and shall, within the first twenty-four hours of such detention be destroyed in such manner as the Collector of Customs may direct, notwithstanding anything contained in any other law, rule or order for the time being in force."

* This notn. has been superseded by G. of I., Dept. of E., H. and L., Notn. No. F. 320/35-a, 20th July 1936.

G. N., A. and R. D. D., No. 431-II, dated 5th November 1948 (B. G., Pt. IV-A, p. 486).

S. 5 Bombay Infected Articles (Detention, Inspection, Disinfection and Destruction) Rules, 1948.

In exercise of the powers conferred by section 5 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title and extent.*—(1) These rules may be called Bombay Infected Articles (Detention, Inspection, Disinfection and Destruction) Rules, 1948 ;

(2) These rules shall apply to the Port of Bombay.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Destructive Insects and Pests Act, 1914 ;

(*b*) "Infected article" means any article in respect of which a notification has been issued by the Central Government under section 3 or 4A of the Act or any article which may have been in contact or proximity thereto.

3. *Power of detention, inspection, disinfection and destruction.*—The Collector of Customs, Bombay, or any other officer authorized by him in this behalf, may—

(*i*) seize and detain any article which he believes to be an infected article ;

(*ii*) seize and detain for purposes of inspection any package suspected by him to contain infected article and require such package to be unpacked ;

(*iii*) take steps for disinfection if the infected article is susceptible of being disinfected ;

(*iv*) destroy any infected article which in his opinion cannot be disinfected : provided that such destruction shall not be carried out except in the presence of a Gazetted Officer.

4. *Penalty.*—(1) No person shall deal with or remove or dispose of any infected article or article suspected to be an infected article otherwise than in accordance with a direction of the Collector of Customs or any other officer authorized by him in that behalf.

(*2*) Any person who contravenes the provisions of sub-rule (1) shall, on conviction, be punished with fine which may extend to one thousand rupees.

G. N., A. & F. D., No. 431/35923-B, dated 5th February 1952 (B. G., Pt. IV-A, p. 279). **S. 5**

Amended by G. N., A. & F. D., No. 431/10352-B, dated 14th March 1952.

In exercise of the powers conferred by section 5 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Government of Bombay is pleased to make the following rule for the destruction of any plants, in respect of which a notification has been issued under section 3 of the said Act, namely :—

"If any plant, the import of which by air in India is prohibited by the Government of India under their notification in the Department of Education, Health and Lands No. 320/35-A, dated 20th July 1936, and which is not covered by a special certificate of the nature referred to in paragraph 3 of the said notification is brought into the State of Bombay by air as part of the cargo and stores of an aircraft or any passenger's luggage or otherwise, shall be landed at such place as may be appointed in this behalf by the Collector of Customs, Bombay, and destroyed by fire with the least possible delay and in any case within twenty-four hours of landing.

Any breach of the rule shall be punishable with fine which may extend to one hundred rupees."